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09/895,495	06/28/2001	Denison W. Bollay	D-1535	8143

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EXAMINER

YOUNG, JOHN L

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/895,495

Applicant(s)

BOLLAY, DENISON W.

Examiner

John L Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **NON-FINAL ACTION REJECTION ON RCE**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **CLAIM OBJECTION**

2. Claim 8 is objected to pursuant to 37 CFR 1.75( a ) & ( d )( 1 ); this claim exhibits problems related to inferential claiming based on lack of explicit antecedent basis.

Claim 8, line 7 recites "said internet. . . ." There is insufficient positive antecedent basis for this limitations in the claim. The examiner suggests that, the phrase "an Internet" be introduced at least in the preamble of independent claim 8 (See MPEP 2173.05 ( e )).

### **CLAIM REJECTIONS — 35 U.S.C. §103( a )**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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3. Claims 1-20 are rejected under 35 U.S.C. §103( a ) as being obvious over Cupps US 5,991,739 (11/23/1999) (herein referred to as "Cupps").

As per claim 1, Cupps (the ABSTRACT; FIG. 4; FIG. 11; FIG. 7; FIG. 2; col. 1, ll. 3-67; col. 2, ll. 1-10; col. 2, ll. 18-67; col. 3, ll. 1-25; col. 3, ll. 48-67; col. 4, ll. 1-67; col. 5, ll. 1-50; col. 6, ll. 17-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-10; and whole document) shows "For use with the Internet, a system comprising: A communication network . . . [a first] . . . server; an information provider; and . . . [another] . . . server . . . Said . . . server, information provider and [other] . . . server being connected to said communication network; Said . . . server having stored therein, a visitor's IP address, and other visitor-related information; said information provider having stored therein latitude and longitude coordinates of a visitor's geographical location; Said [other] . . . server having stored in two caches, data subsets separated from data collected from said . . . [first] . . . server and said information provider, a first of said caches having stored therein a per-advertiser data subset, a second of said caches having stored therein a per-site data subset."

Cupps lacks an explicit recitation of "an ad server . . . an advertising display server. . . ."

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Cupps (the ABSTRACT; FIG. 4; FIG. 11; FIG. 7; FIG. 2; col. 1, ll. 3-67; col. 2, ll. 1-10; col. 2, ll. 18-67; col. 3, ll. 1-25; col. 3, ll. 48-67; col. 4, ll. 1-67; col. 5, ll. 1-50; col. 6, ll. 17-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-10; and whole document) implicitly shows "an ad server . . . an

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advertising display server. . . .”, and it would have been obvious to modify and interpret the disclosure of Cupps cited above as implicitly showing “an ad server . . . an advertising display server. . . .” because modification and interpretation of the cited disclosure of Cupps would have provided means to “[manage] the distribution of . . . products over a distributed computer system . . . .” (See Cupps (col. 2, ll. 20-25)), based on the motivation to modify Cupps so as to determine “Each customer’s . . . location . . . categorized by a set of longitude and latitude coordinates. . . .” (See Cupps (col. 2, ll. 50-60)).

As per claim 2, Cupps shows the system of claim 1.

Cupps (col. 9, ll. 6-18) discloses: “In a preferred embodiment, the web page creation procedure . . . utilizes the WebObjects technology provided by Apple Software. WebObjects is a server technology that links the order database . . . directly to the web server procedures . . . and generates HTML web menu pages . . . based on a customer’s request. More detailed information on WebObjects can be found at <http://software.apple.com/webobjects>. . . .” The Examiner interprets this disclosure as showing Java applets which is a well known form of embedded object oriented code used in association with HTML.

Cupps (the ABSTRACT; FIG. 4; FIG. 11; FIG. 7; FIG. 2; col. 1, ll. 3-67; col. 2, ll. 1-10; col. 2, ll. 18-67; col. 3, ll. 1-25; col. 3, ll. 48-67; col. 4, ll. 1-67; col. 5, ll. 1-50; col. 6, ll. 17-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-10; and whole document) shows: “said . . . server has stored therein a site-viewpoint . . . [embedded

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code] . . . capable of processing a data subset to display on a web page indicia on a map, said indicia being located on the map according to geographical locations of Internet visitors.”

Cupps lacks an explicit recitation of an “an advertising display server . . . a site-viewpoint applet and an advertiser-viewpoint applet. . . .” It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Cupps (the ABSTRACT; FIG. 4; FIG. 11; FIG. 7; FIG. 2; col. 1, ll. 3-67; col. 2, ll. 1-10; col. 2, ll. 18-67; col. 3, ll. 1-25; col. 3, ll. 48-67; col. 4, ll. 1-67; col. 5, ll. 1-50; col. 6, ll. 17-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-10; and whole document) implicitly shows “an advertising display server . . . a site-viewpoint applet and an advertiser-viewpoint applet. . . .”, and it would have been obvious to modify and interpret the disclosure of Cupps cited above as implicitly showing “an advertising display server . . . a site-viewpoint applet and an advertiser-viewpoint applet. . . .” because use of Java applets was well known in the art and because modification and interpretation of the cited disclosure of Cupps would have provided means to “[manage] the distribution of . . . products over a distributed computer system . . . .” (See Cupps (col. 2, ll. 20-25)), based on the motivation to modify Cupps so as to determine “Each customer’s . . . location . . . categorized by a set of longitude and latitude coordinates. . . .” (See Cupps (col. 2, ll. 50-60)).

Dependent claim 3 is rejected at least for substantially the same reasons as dependent claim 2.

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Dependent claim 4 is rejected at least for substantially the same reasons as dependent claim 2.

Dependent claim 5 is rejected at least for substantially the same reasons as dependent claim 2 and dependent claim 4.

Dependent claim 6 is rejected at least for substantially the same reasons as dependent claim 2. (See Cupps (col. 6, ll. 55-67; and col. 7, ll. 1-10)).

As per claim 7, Cupps shows the system of claim 1.

Cupps lacks an explicit recitation of an “applet . . . [includes] running totals of performance data, a price histogram that plots the number of ads served at a given price, and a domain name moving ‘ticker tape’ that displays, in real time, the domain names associated with visitors. . . .”

“Official Notice” is taken that both the concepts and the advantages of “applet . . . [includes] running totals of performance data, a price histogram that plots the number of ads served at a given price, and a domain name moving ‘ticker tape’ that displays, in real time, the domain names associated with visitors. . . .”, were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Cupps cited above as implicitly showing “wherein the coded data is further indicative of an identity of the page of the printed publication that the coded data is disposed in or on. . . .” because modification and interpretation of the cited disclosure of Cupps would have provided means to “[manage] the distribution of . . . products over a distributed computer system . . . .” (See Cupps (col. 2, ll. 20-25)), based on the motivation to modify Cupps so as to determine “Each customer’s . . . location . . . categorized by a set of longitude and latitude coordinates. . . .” (See Cupps (col. 2, ll. 50-60)).

As per claim 8, Cupps (col. 9, ll. 6-18) discloses: “In a preferred embodiment, the web page creation procedure . . . utilizes the WebObjects technology provided by Apple Software. WebObjects is a server technology that links the order database . . . directly to the web server procedures . . . and generates HTML web menu pages . . . based on a customer’s request. More detailed information on WebObjects can be found at <http://software.apple.com/webobjects>. . . .”

The Examiner interprets this disclosure as showing Java applets which is a well known form of embedded object oriented code used in association with HTML.

Cupps (the ABSTRACT; FIG. 4; FIG. 11; FIG. 7; FIG. 2; col. 1, ll. 3-67; col. 2, ll. 1-10; col. 2, ll. 18-67; col. 3, ll. 1-25; col. 3, ll. 48-67; col. 4, ll. 1-67; col. 5, ll. 1-50; col. 6, ll. 17-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-10; and whole document) shows “A method of processing information by computer comprising steps



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of . . . Storing collected data which includes a visitor's IP address, and other visitor-related information , said collected data further including latitude and longitude coordinates of a visitor's geographical location . . . separating said collected data into two subsets, a per-advertiser data subset, and a per-site data subset . . . transferring to either a web page on said internet or a server . . . [embedded code] capable of processing a data subset to display, on a web page, indicia on a map, said indicia being located on said map according to geographical locations of Internet visitors; and . . . selectively feeding said per-site data subset to said . . . [embedded code] and said per advertiser data subset to said . . . [embedded code].”

Cupps lacks an explicit recitation of an “a site-viewpoint applet and an advertiser-viewpoint applet. . . .”

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Cupps (the ABSTRACT; FIG. 4; FIG. 11; FIG. 7; FIG. 2; col. 1, ll. 3-67; col. 2, ll. 1-10; col. 2, ll. 18-67; col. 3, ll. 1-25; col. 3, ll. 48-67; col. 4, ll. 1-67; col. 5, ll. 1-50; col. 6, ll. 17-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-10; and whole document) implicitly shows “a site-viewpoint applet and an advertiser-viewpoint applet. . . .”, and it would have been obvious to modify and interpret the disclosure of Cupps cited above as implicitly showing “a site-viewpoint applet and an advertiser-viewpoint applet. . . .” because use of Java applets was well known in the art and because modification and interpretation of the cited disclosure of Cupps would have provided means to “[manage] the distribution of . . . products over a distributed computer system . . . .”

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(See Cupps (col. 2, ll. 20-25)), based on the motivation to modify Cupps so as to determine *"Each customer's . . . location . . . categorized by a set of longitude and latitude coordinates. . . ."* (See Cupps (col. 2, ll. 50-60)).

Dependent claim 9 is rejected for at least substantially for the same reasons and cited disclosure as found in the obviousness rejection of claim 8.

Dependent claim 10 is rejected for at least substantially for the same reasons and cited disclosure as found in the obviousness rejection of claim 8.

Dependent claim 11 is rejected for at least substantially for the same reasons and cited disclosure as found in the obviousness rejection of claim 8.

As per claim 12, Cupps shows the system of claim 10.

Cupps (col. 9, ll. 6-18) discloses: *"In a preferred embodiment, the web page creation procedure . . . utilizes the WebObjects technology provided by Apple Software. WebObjects is a server technology that links the order database . . . directly to the web server procedures . . . and generates HTML web menu pages . . . based on a customer's request. More detailed information on WebObjects can be found at <http://software.apple.com/webobjects>. . . ."* The Examiner

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interprets this disclosure as showing a Java applet which is a well known form of embedded object oriented code used in association with HTML.

Cupps lacks an explicit recitation of an “applet . . . [includes] running totals of performance data, a price histogram that plots the number of ads served at a given price, and a domain name moving ‘ticker tape’ that displays, in real time, the domain names associated with visitors. . . .”

“Official Notice” is taken that both the concepts and the advantages of “applet . . . [includes] running totals of performance data, a price histogram that plots the number of ads served at a given price, and a domain name moving ‘ticker tape’ that displays, in real time, the domain names associated with visitors. . . .”, were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Cupps cited above as implicitly showing “wherein the coded data is further indicative of an identity of the page of the printed publication that the coded data is disposed in or on. . . .” because modification and interpretation of the cited disclosure of Cupps would have provided means to “[manage] the distribution of . . . products over a distributed computer system . . . .” (See Cupps (col. 2, ll. 20-25)), based on the motivation to modify Cupps so as to determine “Each customer’s . . . location . . . categorized by a set of longitude and latitude coordinates. . . .” (See Cupps (col. 2, ll. 50-60)).

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Dependent claim 14 is rejected for at least substantially for the same reasons and cited disclosure as found in the obviousness rejection of claim 13.

Dependent claim 15 is rejected for at least substantially for the same reasons and cited disclosure as found in the obviousness rejection of claim 13.

As per claim 16, Cupps (col. 9, ll. 6-18) discloses: *"In a preferred embodiment, the web page creation procedure . . . utilizes the WebObjects technology provided by Apple Software. WebObjects is a server technology that links the order database . . . directly to the web server procedures . . . and generates HTML web menu pages . . . based on a customer's request. More detailed information on WebObjects can be found at <http://software.apple.com/webobjects>. . . ."*

The Examiner interprets this disclosure as showing Java applets which is a well known form of embedded object oriented code used in association with HTML.

Cupps (the ABSTRACT; FIG. 4; FIG. 11; FIG. 7; FIG. 2; col. 1, ll. 3-67; col. 2, ll. 1-10; col. 2, ll. 18-67; col. 3, ll. 1-25; col. 3, ll. 48-67; col. 4, ll. 1-67; col. 5, ll. 1-50; col. 6, ll. 17-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-10; and whole document) shows "A method comprising steps . . . receiving enhanced data related to visitors of Internet web sites upon which ads have been placed on a public web page accessible to Internet visitors . . . Said enhanced data including . . . IP addresses of visitors and geographical data including locations of IP addresses of said visitors . . . Separating said enhanced data into

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user-specific data; and . . . Transferring said user-specific data and a user-viewpoint . . .  
[embedded code] to a private web page accessible to said user . . . Said user-viewpoint . . .  
[embedded code] capable of plotting indicia representing ad impressions for a site included in said  
user-specific data on a map on said private web page.”

Cupps lacks an explicit recitation of “said ads having been placed in accordance with an  
ad campaign strategy of an advertiser . . .” and “[applets. . ..]”.

It would have been obvious at the time the invention was made to a person having  
ordinary skill in the art that the disclosure of Cupps (the ABSTRACT; FIG. 4; FIG. 11; FIG. 7;  
FIG. 2; col. 1, ll. 3-67; col. 2, ll. 1-10; col. 2, ll. 18-67; col. 3, ll. 1-25; col. 3, ll. 48-67; col. 4, ll.  
1-67; col. 5, ll. 1-50; col. 6, ll. 17-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-  
67; col. 11, ll. 1-67; col. 12, ll. 1-10; and whole document) implicitly shows “said ads having  
been placed in accordance with an ad campaign strategy of an advertiser . . .” and “[applets. . ..]”  
and it would have been obvious to modify and interpret the disclosure of Cupps cited above as  
implicitly showing “said ads having been placed in accordance with an ad campaign strategy of an  
advertiser. . . .” because modification and interpretation of the cited disclosure of Cupps would  
have provided means to “[manage] the distribution of . . . products over a distributed computer  
system . . . .” (See Cupps (col. 2, ll. 20-25)), based on the motivation to modify Cupps so as to  
determine “Each customer’s . . . location . . . categorized by a set of longitude and latitude  
coordinates. . . .” (See Cupps (col. 2, ll. 50-60)).

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Dependent claim 17 is rejected for at least substantially for the same reasons and cited disclosure as found in the obviousness rejection of claim 16.

Dependent claim 18 is rejected for at least substantially for the same reasons and cited disclosure as found in the obviousness rejection of claim 16.

Dependent claim 19 is rejected for at least substantially for the same reasons and cited disclosure as found in the obviousness rejection of claim 16.

Dependent claim 20 is rejected for at least substantially for the same reasons and cited disclosure as found in the obviousness rejection of claim 16.

#### **RESPONSE TO ARGUMENTS**

4. Applicant's arguments (filed 11/22/2004) concerning the obviousness rejections in the prior Office action have been considered but are not persuasive for the following reasons:

Applicant's arguments are moot based on new grounds of rejection introduced herein by the Examiner.

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### CONCLUSION

5. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED  
PROCEDURE) or (703) 746-7239 (for formal communications marked AFTER-FINAL)  
or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to John L. Young who may be reached via telephone at (703)  
305-3801 or (571) 272-6725. The examiner can normally be reached Monday through  
Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Eric Stamber, may be reached at (703) 305-8469 or (571) 272-6724.

Serial Number: 09/895,495

(Bollay)

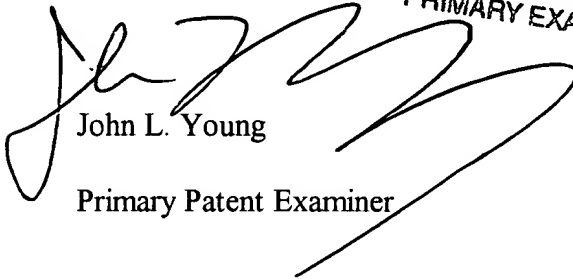
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)

305-3900.

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER



John L. Young  
Primary Patent Examiner

February 2, 2005